

CUSTOMER NO.: 24498**Serial No.: 10/031,151****Office Action dated: May 15, 2007****Response dated: July 20, 2007****PATENT****RCA89642****RECEIVED
CENTRAL FAX CENTER****JUL 20 2007****REMARKS**

The Office Action mailed May 15, 2007 has been reviewed and carefully considered.

No new matter has been added.

Claims 1-15 and 17-20 are pending.

At the outset, the Applicant respectfully asserts that the Examiner has interpreted several key elements of the present principles far differently than they have been defined in the Figs., specification, and in previous Office Actions.

MPEP §2111.01(IV) states that "An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994)."

Here, the examiner has stated that the term "programming providers" refers to the particular television channel, or television network. However, as shown in Fig. 1, the integrated receiver is configured to receive television data from both terrestrial sources and satellite cable providers. The terrestrial television sources are considered, as a group, to be a separate "programming provider" than the satellite provider.

The present principles are directed to using a password to enable a user to view broadcasts over a first medium, where the first medium corresponds to a program provider. A second password, separate and distinct from the first password, permits viewing of additional programming delivered over a second medium corresponding to a second programming provider. The second programming provider transmits programming over a different medium than the first programming provider.

For example, as shown in the Figs. accompanying the specification, a first password is used to view terrestrial programming, and a second password adds the ability to view programming delivered over a satellite broadcast.

In particular, a removable media card, such as a smart card, for example, retains passwords that allow access to the programming provided over a second broadcast medium, such as programming provided via satellite. The removal of the removable media, or smart card, causes the integrated receiver to revert back to allowing viewing of only the programming

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delivered over the first broadcast medium. Therefore, the removable media acts as a "key" to permit viewing of the programming delivered over the second broadcast medium.

The programming providers of the present principles are not necessarily the creators or original broadcasters of programming content, they are the providers of the programming *to the receiving unit*. In cases such as a satellite system, the programming provider would be the satellite company, as the channels in the satellite broadcast are not provided directly to the consumer by the original channel broadcaster. The programming content is provided by the original broadcaster to the satellite company, after which the satellite company provide the programming to the consumer. Thus, the programming providers of the present principles can be the satellite and cable companies, where applicable.

Claims 1, 4, 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0079227 to Knowles (hereinafter, "Knowles"), in view of United States Patent No. 6,519,412, to Kim, (hereinafter, "Kim").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (See MPEP §2143.03).

Regarding claim 1 specifically, claim 1 recites "a memory for storing a first password associated with a first programming provider that delivers programming to the apparatus via a first transmission media."

The Examiner has equated the storing of a first password recited in claim 1 with the password of a young child taught by Knowles (See Office Action mailed May 15, 2007, paragraph 6 - "password for a young child -- paragraph 0072, lines 1-5"). The Examiner has further equated associating the first password with a first programming provider, recited in claim 1 with the interactive programming guide taught by Knowles (See Office Action mailed May 15, 2007, paragraph 6 - "an IPG that is particular to a first programming provider -- paragraph 0071, line 1, paragraph 0074, line 9").

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However, claim 1 recites a "first password associated with a first programming provider." According to the Examiner's Office Action, the password of Knowles is not associated with the programming provider, it is associated with a person. (See Office Action mailed May 15, 2007, paragraph 6 - "password for a young child - paragraph 0072, lines 1-5"). To be analogous, or even remotely related to the present principles, the password taught by Knowles would have to be associated with the programming provider of Knowles. According to the Examiner's interpretation of Knowles, this means that a password would have to be assigned to each and every channel or station providing an interactive guide. However Knowles teaches no such thing. Instead, Knowles teaches that "Multiple IPGs support a hierarchy of multiple *user passwords*." (Knowles, paragraph [0072], emphasis added). Thus, under Knowles, passwords are associated with users, and not with programming providers. Knowles, whether taken singly, or in any combination with Kim, cannot render obvious, the feature of "a memory for storing a first password associated with a first programming provider."

Likewise, as Knowles associates passwords with users, Knowles also fails to suggest or render obvious the claim 1 feature of "removable memory storing a second password associated with a second programming provider", as there is nothing in Knowles that remotely suggests a second programming provider broadcasting on a different medium than the first programming provider. Knowles further fails to remotely suggest any second password associated with the second provider.

The Examiner has further asserted that Knowles renders obvious "storing a second password associated with a second programming provider that delivers programming to the apparatus via a second transmission media distinct from the first transmission media", as recited in claim 1. The Applicant respectfully asserts that a password associated with "a second programming provider that delivers programming to the apparatus via a second transmission media distinct from the first transmission media" is not taught, or even suggested, by Knowles. Knowles fails to make any suggestion regarding a receiver capable of receiving programming on two different media.

The passages of Knowles cited by the Examiner as rendering this element obvious merely indicate that the user provides the set top box with an indication of what services are subscribed to. (See Knowles, paragraph [0103]) - "Some of the information provided by the user are specific to the set-top box and the same for all the IPG such as: the user's zip code; TV, cable and satellite services to which the user subscribes; the length of said subscriptions").

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However, an artisan skilled in the field of set-top box design would not read such a passage and be inclined to associate a password with second programming provider, using a transmission medium separate from the first transmission medium. To do so would require a second receiver capable of receiving the second transmission medium. No such element or feature is taught, suggested, hinted at, remotely considered or obvious in any way, from a fair reading of Knowles. Therefore, Knowles cannot render obvious the claim 1 feature of "a second programming provider that delivers programming to the apparatus via a second transmission media distinct from the first transmission media."

The Applicant further respectfully asserts that Knowles fails to teach a feature of "temporary memory temporarily storing said first password during use", as recited by claim 1. Here, the "use" referred to by claim 1 is the accessing of the programming provided by the programming provider associated with the first password. (See, page 4, lines 19-27). The temporary storage of claim 1 is used to hold the password while decoding and viewing programming on the first transmission media. Temporary storage is used to save the password corresponding to the transmission media being accessed at the time, e.g. the first or second password. The use of temporary memory for storage of the password permits the password being used at the time, the active password, to reside in a single memory location. Such temporary storage of the active password permits different transmission medium receivers to be directed to access a single memory location for the password, e.g. the first broadcasting medium receiver and the second broadcasting medium receiver are both directed to the same memory location to verify viewing rights for each of the respective receivers. The "means for replacing the first password in said temporary storage" recited in claim 1 loads the second password into the temporary storage when the removable media is put into the receiver.

Knowles discloses no such temporary storage. The passages cited by the Examiner, namely paragraphs [0072 and 0077], merely state that "The DMA may include buffer memory to temporarily store data input from out of turn components between access cycles." However, the Applicant respectfully draws the Examiner's attention to the remainder of paragraph [0077], which states that "RAM 8 is accessed by four different components: the microprocessor 10, the IPG data extractor 4, MPEG decoders 14-16, and the display generator 9. The DMA is a multiplexing and arbitrating circuit that facilitates the sharing of the RAM 8 by switching access between the four components." Thus, the DMA of Knowles handles the input and output of the RAM, storing data from one of the four components when necessary. The DMA does not

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receive passwords or the like, as the passwords, as disclosed by Knowles, are not input into the RAM. Therefore, the Applicant respectfully asserts that Knowles cannot render obvious "temporary memory temporarily storing said first password during use", as recited in claim 1.

Kim, cited by the Examiner as teaching the storage of a password on a removable media for viewing restriction purposes, further fails to cure the deficiencies of Knowles as applied to claim 1. More specifically, Kim fails to teach, or render obvious the claim 1 features of: "a memory for storing a first password associated with a *first programming provider* that delivers programming to the apparatus via a *first transmission media*"; "storing a second password associated with a *second programming provider* that delivers programming to the apparatus via a *second transmission media* distinct from the first transmission media"; and "temporary memory temporarily storing said first password during use". Thus, when taken singly, or in any combination, the cited references fail to render obvious all of the elements of claim 1.

Claims 5, 8, 9, and 12-20 stand rejected under 35 U.S.C. §103(a) over Kim in view of Knowles. The Applicant respectfully requests reconsideration of the Examiner's § 103(a) rejection in light of the following remarks.

Claim 5 recites, *inter alia*, a method step of "if said access card is not coupled to the integrated television system, processing a second password to access at least some of the programming delivered to the integrated television system." The Applicant respectfully asserts that the combination of Kim and Knowles fails to teach or suggest at least the element of processing a second password when no access card is present.

The Examiner has cited Kim as rendering obvious the element of "if said access card is not coupled to the integrated television system, processing a second password." However, contrary to the Examiner's assertions, Kim clearly teaches that a password is input into media player/set-top box analog, and the password may be stored on a smart card. Thus, according to Kim, "the smart card is used as said means for inputting the command and the password data." (See, Col. 6, lines 38-39). Therefore, under Kim, the use of a smartcard is the equivalent of entering a password. Claim 5 recites "if said access card is *not coupled* to the integrated television system, processing a second password." This element specifically occurs only when *no smartcard, or access card, is present*. The method according to Kim does not take action based on whether a card is present or a password is entered. Instead, Kim only takes action when

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the password, stored on the smart card, is correct or incorrect. As access under Kim is based on authentication of a password stored on a smart card, it cannot render obvious the step of determining if an access card is present.

Furthermore, even if Kim, *arguendo*, were to take some action upon an access card not being present, Kim makes absolutely no reference to processing a second password. It should be noted that, according to claim 5, selecting which password to process is based on the presence or absence of an access card. Kim makes no such distinction. Additionally, while Knowles discloses multiple passwords, Knowles "support[s] a hierarchy of multiple user passwords" (paragraph [0072]) where the higher level passwords can override changes to the access rights initiated by lower level passwords. Knowles fails to mention, suggest, or render obvious in any way, the selection of a second password for processing process based on any criteria at all.

Therefore, when taken singly, or in any combination, Kim and Knowles fail to teach all of the elements of claim 5. Thus, claim 5 is patentable over the combination of Kim and Knowles for at least the reasons stated above. In light of the foregoing comments, the Applicant respectfully requests the withdrawal of the Examiner's §103 rejection of claim 5.

Claim 12 recites elements analogous to those discussed for claims 1 and 5 that are patentably distinct and nonobvious over the combination of Kim and Knowles. The Applicant respectfully asserts that Claim 12 is, therefore, patentable over Kim and Knowles, whether taken singly, or in any combination, for at least the same reasons as claims 1 and 5. Thus, the Applicant respectfully requests the withdrawal of the Examiner's §103 rejection of claim 12.

Claims 2-4 and 19 depend from independent claim 1, claims 6-11 and 20 depend from independent claim 5, and claims 13-15 and 17-18 depend from independent claim 12. Claims 2-4, 6-11, 13-15 and 17-20 have all the features and limitations found in the independent claims from which they depend. Thus, claims 2-4 and 19 are patentable for at least the same reasons as independent claim 1, claims 6-11 and 20 are patentable for at least the same reasons as independent claim 5, and claims 13-15 and 17-18 are patentable for at least the same reasons as independent claim 12. Therefore, The Examiner's §103 rejections of claims 2-4, 6-11, 13-15 and 17-20 is earnestly solicited.

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In view of the foregoing, the Applicant respectfully request that the rejection of the claims set forth in the Office Action of May 15, 2007 be withdrawn, that the pending claims be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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